

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of April 21, 2009 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 14-1437.

Withdrawal of Finality of this Office Action

Applicants acknowledge the withdrawal of the finality of this Office Action by the Examiner as indicated in the Interview Summary dated June 9, 2009.

Claim Rejections – 35 USC § 103

Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2003/0225600 to Slivka, *et al.* (hereinafter Slivka) in view of U.S. Published Patent 2003/0036928 to Kenigsberg, *et al.* (hereinafter Kenigsberg).

Applicants respectfully disagree with the rejections and thus have not amended the claims to overcome the rejections. Applicants have added Claims 27-36. The added claims are fully supported by the original disclosure and no new matter has been introduced.

Aspects of Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by Claim 1, is a method for rebooking a passenger who is unable to travel on a scheduled flight on a carrier.

The method can include receiving a rebooking request from the passenger; determining at least one rebooking flight candidate according to rebooking rules based on passenger data for the passenger and flight operations data; presenting the determined at least one rebooking flight candidate to the passenger with an incentive for encouraging the passenger to select a rebooking flight candidate preferred by the carrier; prompting the passenger to select one of the presented at least one rebooking flight candidate; and rebooking the passenger on the selected rebooking flight candidate. See, e.g., Specification, paragraphs [0020], [0023], and [0028].

The Claims Define Over The Prior Art

It was stated in the Office Action that Slivka does not disclose presenting the determined at least one rebooking flight candidate to the passenger with an incentive for encouraging the passenger to select a rebooking flight candidate preferred by the carrier. However, it was asserted that Slivka discloses a monitor which is used to present a notification of re-accommodations. It was further asserted that Kenigsberg discloses the above limitations.

As already discussed in the previous responses, in Slivka the notification is not a presentation of a determined list of rebooking flight candidates to a passenger who is unable to travel on a scheduled flight in the sense of the present invention. Rather, in Slivka the notification is automatically generated, which includes re-accommodation information to all the entities (the passenger, the travel provider, the travel agent, etc.) involved whenever there is a travel disruption. In contrast to Slivka, in the present invention, the rebooking is requested by the passenger who is unable to travel on a scheduled flight and the rebooking takes place only when the passenger selects one from the presented rebooking flight candidates. In other words, in the present invention there is no automatic rebooking. It is also noted that Slivka delivers a notification to the passenger after re-accommodation is determined, but does not present the passenger with

a list of rebooking flight candidate options for the passenger to select. Using Slivka's method, a passenger may be re-accommodated in a way that is mathematically correct based solely upon the airline's rules, but is not desirable to the passenger for reasons known only to the passenger. For example, the first flight out may not be what the passenger wants even though it is a mathematically more valuable option selected by the algorithm specified in Slivka.

Kenigsberg discloses a system and method that maximizes the revenues of an airline for a selected flight by automatically balancing the consumption of flight tickets between travelers who have different demand curves for the same flight, which is sold out at a given time. The system accepts information from customers who have a high demand for a specific flight, while there are no available tickets that fit their needs (Type A customers), and finds customers that own tickets to the flight, but have lower demand for being on that flight (Type B customers). Based on advanced rules the system offers substitutes to Type B customers for giving away their tickets, and sells it to Type A customers who pay a different price for the tickets than Type B customers. See the Abstract.

Clearly, Kenigsberg concerns offering incentives to Type B customers for them to give away their tickets. This is completely different from presenting a list of determined rebooking flight candidates to the passenger with an incentive for encouraging the passenger to select a rebooking flight candidate preferred by the carrier, as in the present invention. It is noted that in Kenigsberg the Type B customers are not offered with incentives for selecting a rebooking flight candidate preferred by the carrier, but rather for giving away their tickets.

It is further noted that neither Slivka nor Kenigsberg discloses rebooking requested by the passenger who is unable to travel on a scheduled flight. In Slivka, the rebooking is automatically performed and the notification is automatically generated

without the passenger's request. In Kenigsberg, the Type B customers are not passengers who are unable to travel on a scheduled flight (rebooking flight candidates) and the incentives are offered with the customers' request.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 27, and 29. Applicants therefore respectfully submit that Claims 1, 27, and 29 define over the prior art. Furthermore, as each of the remaining claims depends from Claims 1, 27, or 29 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Date: July 21, 2009

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